



Office of the Attorney General  
State of Texas

DAN MORALES  
ATTORNEY GENERAL

December 11, 1998

Mr. Sealy Hutchings  
General Counsel  
Office of Consumer Credit Commissioner  
2601 N. Lamar Boulevard  
Austin, Texas 78705

OR98-3062

Dear Mr. Hutchings:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 120394.

The Office of Consumer Credit Commissioner received a request for information relating to the investigation of a specific complaint. You state that you have released some of the responsive information; however, you contend that the remaining information is excepted from required public disclosure by sections 552.101 and 552.130 of the Government Code. We have considered your arguments and reviewed the submitted information.

You first claim that the some of the requested information is the personal financial information of the complainant that must be withheld under common-law privacy. Section 552.101 excepts from disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." Section 552.101 encompasses common-law privacy and excepts from disclosure private facts about an individual. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668 (Tex. 1976), *cert. denied*, 430 U.S. 931 (1977). Therefore, information may be withheld from the public when (1) it is highly intimate and embarrassing such that its release would be highly objectionable to a person of ordinary sensibilities, and (2) there is no legitimate public interest in its disclosure. *Id.* at 685; Open Records Decision No. 611 at 1 (1992). After examining the information, we agree that the information you have marked concerning the complainant must be withheld under section 552.101. Open Records Decision Nos. 600 (1992), 545 (1990) (personal financial information not relating to financial transaction between individual and governmental body is protected by common-law privacy).

You also argue that the submitted documents contain information protected by section 552.130. The Seventy-fifth Legislature added section 552.130 to the Open Records Act which governs the release and use of information obtained from motor vehicle records.

Section 552.130 provides in relevant part as follows:


(a) Information is excepted from the requirement of Section 552.021 if the information relates to:

(1) a motor vehicle operator's or driver's license or permit issued by an agency of this state[.]

We agree that the information you have marked must be withheld pursuant to section 552.130.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied on as a previous determination regarding any other records. If you have any questions regarding this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "June B. Harden". The signature is fluid and cursive, with the first name "June" and last name "Harden" clearly distinguishable.

June B. Harden  
Assistant Attorney General  
Open Records Division

JBH/ch

Ref.: ID# 120394

Enclosures: Submitted documents

cc: Mr. Jay S. Fichtner  
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Dallas, Texas 75240  
(w/o enclosures)